

THE HONORABLE JOHN C. COUGHENOUR

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF WASHINGTON  
AT SEATTLE

DANIEL BABARE,

Plaintiff,

v.

SIGUE CORPORATION,

Defendant.

CASE NO. C20-0894-JCC

MINUTE ORDER

DANIEL BABARE,

Plaintiff,

v.

SIGUE CORPORATION,

Defendant.

CASE NO. C21-0114-JCC

The following Minute Order is made by direction of the Court, the Honorable John C. Coughenour, United States District Judge:

This matter comes before the Court on the parties' stipulated motion to consolidate (Dkt. No. 33). Having thoroughly considered the motion and finding that the two actions involve common questions of fact, the Court GRANTS the motion to consolidate and ORDERS as follows:

- 1 1. *Babare v. Sigue Corporation*, Case No. C20-0894-JCC and *Babare v. Sigue*  
2 *Corporation*, Case No. C21-0114-JCC, are consolidated. The parties shall file all  
3 future documents related to either case in Case No. C20-0894-JCC. The Court  
4 DIRECTS the clerk to administratively close Case No. C21-0114-JCC.
- 5 2. All future filings shall include the words “This Document Relates To:” in the caption,  
6 followed by either C20-0894-JCC, C21-0114-JCC, or Both Cases.
- 7 3. In accordance with the parties’ stipulation, Case No. C21-0114-JCC shall be stayed  
8 until the stay is lifted in C20-0894-JCC. The parties shall file a joint status report  
9 proposing a new case schedule within 14 days of the date the Supreme Court issues  
10 its opinion in *Facebook, Inc. v. Duguid*, No. 19-511.
- 11 4. The parties are ORDERED to provide supplemental briefing within 14 days of the  
12 date of this order regarding their request that the Court allow Mr. Babare to file a  
13 single complaint containing both claims. There is considerable debate among the  
14 Courts of Appeals about whether cases that are consolidated may be merged into a  
15 single case or whether each case must continue to retain its separate identity. *See*  
16 *Schnabel v. Lui*, 302 F.3d 1023, 1035 (9th Cir. 2002). Because the parties request to  
17 file a single complaint, it appears that the parties request that the Court merge the two  
18 cases into one.<sup>1</sup> However, the parties’ stipulation does not state that expressly, and  
19 does not make clear whether the parties seek to proceed under a single case number  
20 or under both case numbers. Accordingly, the Court GRANTS the parties’ motion to  
21 consolidate but does not yet merge the cases. The Court requests supplemental  
22 briefing on whether merger—as opposed to just consolidation—is appropriate and, if  
23 so, whether the parties should proceed under a single case number or under both.

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24 <sup>1</sup> Since the parties and the underlying facts appear to be identical and the parties stipulate that  
25 both actions may be stayed until *Duguid* is decided, it is not clear why Mr. Babare chose to file a  
26 separate case and pursue consolidation, with all of its complications, rather than seeking leave to  
amend the complaint in C20-0894-JCC to add the state law cause of action.

1 DATED this 8th day of March 2021.

2 William M. McCool  
3 Clerk of Court

4 s/Paula McNabb  
5 Deputy Clerk